

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 4, 2002. Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-5, 7, 9-11, and 22 are pending in the present application. More specifically, claim 1 is directly amended and claim 22 is added. These amendments and additions are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application.

Response To Claim Rejections Under 35 U.S.C. §103

Claims 1-5, 7, and 9 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Lausberg et al.* (U.S. Patent No. 6,210,179). Applicant respectfully traverses this rejection because independent claim 1 recites elements that are neither taught nor suggested by *Lausberg et al.* It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a single reference, the reference must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

For convenience, claim 1 is reproduced below:

1. (Three Times Amended) A modular system interface comprising:

a main panel configured to be attachable to a rack, the main panel including a plurality of sub-panel cut-outs, ***each sub-panel cut-out having two sub-panel slots***, the main panel further including ***a pair of attachment elements located adjacent to each of the sub-panel slots***, the attachment elements of each pair positioned on opposite sides of the respective sub-panel slot;

a plurality of sub-panels configured to be attachable to the main panel, at least one sub-panel including at least one connector cut-out, wherein each sub-panel spans across a respective sub-panel slot and individually attaches to a respective pair of attachment elements; and

a plurality of connectors configured to be insertable in the at least one connector cut-out and attachable to the respective sub-panel, wherein the at least one sub-panel is configured to support one predetermined type of connector. (Emphasis Added)

Claim 1 includes ***“a main panel configured to be attachable to a rack.”*** As the Examiner correctly identified in the Office Action, *Lausberg et al.* does not teach or suggest a ***“a main panel”*** but instead discloses a housing 1. The Office Action then proceeds to conclude that it is well known in the art that this kind of sub-panel can be attached to a housing, main panel or a connector. However, there is no motivation in the prior art that supports this conclusive statement. “Modification unwarranted by the disclosure of a reference is improper.” *Carl Schenck, A.G. v. Nortron Corp.*, 713 F.2d 782, 218 U.S.P.Q. 698, 702 (Fed. Cir. 1983).

Furthermore, the prior art must suggest the desirability of attaching sub-panels to a main panel. “The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780 (Fed Cir. 1992). “The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.” *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

Claim 1 further includes the feature of ***“each sub-panel cut-out having two sub-panel slots.”*** This feature can be seen in the present application in Fig. 2 in which each sub-panel cut-out 37 includes two spaces, or slots, where sub-panels may be connected. *Lausberg et al.* fails to disclose, teach, or suggest such a feature, but instead includes only one insert 16 per receptacle 5. For this reason, Applicants respectfully request that the Examiner kindly withdraw the 35 U.S.C. §103 rejection and allow this application.

To further emphasize the difference between the present invention and the reference to *Lausberg et al.*, Applicants would like to respectfully call attention to another element in independent claim 1, which further includes ***“a pair of attachment elements located adjacent to each of the sub-panel slots.”*** Considering the entire claim 1 as a whole, the sub-panel cut-outs have two sub-panel slots (as mentioned above) and, further, each sub-panel slot has a pair of attachment elements located

adjacent thereto. Thus, each sub-panel cut-out has four attachment elements located adjacent thereto, two for each sub-panel slot. As is later defined in the claim, a sub-panel spans across a sub-panel slot, which leaves a space, the other slot of the sub-panel cut-out, where another sub-panel may be attached.

Applicants respectfully request that the 35 U.S.C. §103 rejection be withdrawn because *Lausberg et al.* does not teach or suggest a pair of attachment elements located adjacent to each sub-panel slot. Also, since there appears to be no mention of this aspect anywhere in the prior art, Applicants believe that claim 1 is allowable. Furthermore, there is no motivation to modify *Lausberg et al.* or any other reference such that a pair of attachment elements are located adjacent to each of a pair of sub-panel slots, the pair of sub-panel slots being part of a respective sub-panel cut-out.

Claims 2-4, 7, and 9 depend from independent claim 1 and are believed to be allowable for at least the reason that they depend from allowable independent claim 1. *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596-1600 (Fed. Cir. 1988). Furthermore, these claims include additional elements that are patentable. For example, claims 3 and 4 include the main panel further comprising bottom and top supports that provide support for the main panel. *Lausberg et al.*, nor the other prior art references of record, teach or suggest such a feature.

Claims 10 and 11 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Lausberg et al.* (U.S. Patent No. 6,210,179) in view of *Daoud* (U.S. Patent No 6,139,356). Applicant respectfully traverses this rejection because *Daoud* does not overcome the deficiencies of *Lausberg et al.* as mentioned above with respect to independent claim 1, from which claims 10 and 11 depend.

New Claim

Claim 22 has been newly added to further define and clarify the scope of the invention. For example, the claimed element of claim 22 provides the embodiment in which the sub-panel has a double width (such as element 91 in Fig. 7 or element 110 in Fig. 9 of the present application). In this situation, the double wide sub-panels use all four connection elements adjacent to a respective sub-panel cut-out, thereby taking up two sub-panel slots.

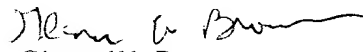
Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

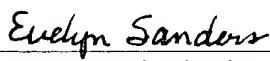
In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all rejections have been traversed and accommodated, and that the now pending claims 1-5, 7, 9-11, and 22 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington D.C. 20231, on December 16,
2002


Signature – Evelyn Sanders

MARKED-UP VERSION OF AMENDED CLAIMS

The following is a marked-up version of the amended claims in which added language is underlined and deleted language is enclosed within brackets.

1. (Three Times Amended) A modular system interface comprising:

a main panel configured to be attachable to a rack, the main panel including a plurality of sub-panel cut-outs, each sub-panel cut-out having two sub-panel slots, the main panel further including a pair [and multiple pairs] of attachment elements [, at least one pair of attachment elements] located adjacent to each of the [plurality of] sub-panel [cut-outs] slots, the attachment elements of each pair [of attachment elements] positioned on opposite sides of the respective sub-panel [cut-out] slot;

a plurality of sub-panels configured to be attachable to the main panel, at least one sub-panel including at least one connector cut-out, wherein each sub-panel spans across a respective sub-panel [cut-out] slot and individually attaches to a respective pair of attachment elements; and

a plurality of connectors configured to be insertable in the at least one connector cut-out and attachable to the respective sub-panel, wherein the at least one sub-panel is configured to support one predetermined type of connector.